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8	BEFORE THE BOARD OF REGISTERED NURSING
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
	STATE OF CALIFORNIA
10	
11	In the Matter of the Accusation Against: Case No. 2013 - 967
12	MITZI RENE THACKSTON aka MIA THACKSTON A C C U S A T I O N
13	aka MIA VANDERBILT 36 West Kappas Pier
14	Sausalito, CA 94965
15	Registered Nurse License No. 782036
16	Respondent.
17	
18	Complainant alleges:
19	<u>PARTIES</u>
20	1. Louise R. Bailey, M.Ed., RN (Complainant), brings this Accusation solely in her
21	official capacity as the Executive Officer of the Board of Registered Nursing (Board),
22	Department of Consumer Affairs.
23	2. On or about August 17, 2010, the Board issued Registered Nurse License Number
24	782036 to Mitzi Rene Thackston, aka Mia Thackston, aka Mia Vanaderbilt (Respondent). The
25	Registered Nurse License was in full force and effect at all times relevant to the charges brought
26	herein and will expire on March 31, 2014, unless renewed.
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JURISDICTION

- 3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Code section 2764 provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

- 6. Code section 2761 states: "the board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:
 - "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Out of State Discipline)

- 8. Respondent's license to practice as a registered nurse in California is subject to disciplinary action for unprofessional conduct under Code section 2761, subdivision (a)(4), in that the South Carolina Board of Nursing imposed discipline against Respondent's South Carolina nursing license for reasons substantially related to the practice of nursing, as follows:
- 9. On or about May 12, 2011, the South Carolina Board of Nursing adopted a Consent Agreement In the Matter of Mitzi R. Thackston, R.N., License No. RN.85899, signed and dated April 5, 2011 by Respondent and her counsel, thereby publically reprimanding Respondent and imposing other conditions and requirements upon Respondent including, but not limited to, payment of a civil penalty of \$2,500.00 and completion of Board-approved courses in legal aspects, ethics, and patient privacy. Pursuant to the South Carolina Board's order, Respondent's failure to comply with the conditions of the Consent Agreement could result in the immediate administrative suspension of Respondent's South Carolina nursing license or further discipline. The circumstances underlying the South Carolina Nursing Board's action are as follows:
- a. On or about April 1, 2009, while off duty but employed at NHC Healthcare of Garden City, located in Murrells Inlet, South Carolina, Respondent took pictures of a resident's decubitus ulcer and the facility medication room and presented those pictures to two off-site physicians who work for NHC Healthcare but were not the resident's attending physicians
- b. Respondent admitted that she was present with a co-worker when the co-worker photocopied residents' confidential medical records, allegedly under the direction of the facility's director of nursing, and inadvertently removed the records from the facility.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 782036, issued to Mitzi Rene Thackston, aka Mia Thackston, aka Mia Vanaderbilt (Respondent);

Accusation